G. R. S. 58]

Previous references.

1897-8
~~191~~ .
(Land Revenue).

File No. 296 .

Serial Nos. 1—7 .

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 7

Major ~~Part~~ B for February 1903.

SUBJECT.

Grant of Sur: No. 74 of Yadavanahalli, Anekal Tq: to Venkatappa for an upset price.

1. 2659 / R. 1640. D. 464. 10.10.97.
From, The Dy: Commr Bangalore Dist:
Submits his statements and Showing the Gomal land applied for the cultivation in the Yadavanahalli Village, Anekal Tq: 17.1.98.

2. — 6390-1 / R. 2065.
To, The Dy: Commr Bangalore City.
The Supdt Rev: Sur:
Accords Sanction to appropriate for cultivation purposes of Gomal Sur: No. 74 of Yadavanahalli Village.

GPE—10,000—23-3-15

3. 8399/R.5106 — 1711. — 8.6.01.

From, The Dy: Comm: Bangalore Dist.

Requests instructions regarding the disposal of Sur: No. 74 of the above village

4. — R.859. — 19.8.01.

To, The Dy: Comm: Bangalore Dist.

Sets aside the Dy: Comm's order cancelling the grant of Sur: No. 74 of the above village to Venkatappa for an upset-price

3.1.02.

5. — Pet-1232

To, The D.C. Bangalore.

Requests him to stay the execution of the above order.

814. — 17.1.02.

6. 8950/Pet-267.

From, The D.C. Bangalore.

Submits the records connected with the above

1194. — 14.2.03.

7. —

To, The D.C. Bangalore.

Cancells the above order and sanctions the Sale of the above land for a second time.

Undexed:—

L. Greenivasa Rao

Section 42.
File No 22b-97 The settlement of the village
Serial No Mehsana.

5

Memo Re Jamabandy Note.

Area under occupation 502 — 21.

Area of assessed unassessable 40 — 11.

Area of Jomal 78 —

No of Cattle 352.

As it is the present Jomal land is insufficient with regard to the ¼ of the cultivated area in the village or the number of cattle as per scale. Of Jomal survey No 74 (Extent 45-38) be given out for cultivation as now applied for the remaining only 32-2 of Jomal land, but to make up the deficiency the Mamlatdar & the Deputy Commissioner both propose that the marginally detailed assessed waste numbers which are nearest to the village for cultivation may be assigned as Jomal

Sur. No.		Extent A. G.	Assessment Rs. As. P.
50	Dry.	20-5.	29 — 0 —
21	do	12-14	19 — 0 —
27	do	7-5	4 — 0 —
45	do	0 27	1 — 4 — 0
		40-11	60-4--

The villagers have no objection to the grant of the land applied for.

The sketch map in the record file clearly shows the number of trees given out for cultivation there that are to be assigned as forest.

Submitted for orders.

The villagers state that the present Darkhastdar Venkatappa has before the settlement the Khatedars of the land now applied for but resigned it at the time of the settlement-time the areas unoccupied nor are scattered.

('Jafo Jay')

Mamlatdar for orders

VC
18/10/97

I have heard the villagers as stated in the above report and the Forest Ranger (Forest No 8). [illegible]

Nicholson Asst Collr 19-10-97

Mamlatdar

Please see memo of Conservator of Forests dated 17th Nov 97

VC
25/11/97

Submitted —

In the Majmudars report of 6.6.93 — Paper serial no 1 — it is stated that the villagers ask for the Exchange. But in the Mahajan Nibandh apparently obtained, the villagers do not raise the question.

Mr Dankhastoar makes the proposal in his petitions (Vide papers serial nos 12 & 13 dtd)

Mr Amilcar also puts forward the proposal as his opinion — (Vide paper no: 14)

It may be mentioned here that the

orders, the appropriation of Gomal Survey No. 74 for cultivation purposes, he had questioned the same being directed to be disposed of under the Darkhast rules.

Accordingly the Deputy Commissioner issued orders on 20th January 1898.

to the 2nd Gl Assistant Comr in charge of the Anekal Taluk, to dispose of the land by public auction and stated that the lands would be assessed on receipt of further report with the Standard rea. The Amildar of Anekal to whom the Gnl Assistant Comr referred the matter, reported that as the Darkhast-dar Venkatappa desired to take up the whole number the same need not be subdivided into small numbers, but that the whole number might be assessed. Thereupon in his order dated 14th August 1895 the Deputy Comr observed that as the land applied

7 applied for was examine
measuring about 4 5 a
people might not take
it up unless it was sub
divided into small and
convenient numbers, a
accordingly directed th
it should be so subdi
and disposed of. The
Auctioneer to whom the
Authority in charge of the
Taluk communicated the
above order, reported
that land should be
the cost of the sub-
of the Survey Numbers, w
amounted to about 20
that in the auction sale
of the whole Survey No
Patel Muniredi had
become the purchaser
thereof for one rupee
that Venkatapa the
darkhastdar had
to pay an upset price
at 4 as. per acre, a
Rs 10-8-0 for the who
Sur

At Vide Report dt 7/9/13. 3 Nos
Kept in the P. records.

Survey Number, and that
as Venkatappa was the
holder of the land prior
to the Survey Settlement,
the question of granting the
land as per his offer might
be considered. Thereupon
the Dy. Comr ordered that
the cost of Subdivision (₹
~~each Number~~) should
be recovered from the
person who purchased
that Sub-number, a condition
to that effect being entered
in the notification of
Sale. He also directed that
the amount required for
the Subdivision of the
Snr. No might be advanced
from the interest money
kept in the Taluk for repairs
to boundary marks and
afterwards recouped. With
reference to the above
order, the Amildar
reported that there was
no interest money available,
that as the Taluk Majandar
was

* Vide order, dtd [illegible]
No 61. [illegible]

was under suspension
the Subdivision of the
Number could not be
made. After some
further consideration
in the matter, the Lands
Explained that the Darkha
Dar Talukha was no
in favour of the land bei
Subdivided, that he did
not propose the advance
for the cost of Subdivision
of the Land when called upo
to do so; that if the Land
was Subdivided, a portion
thereof (~~two or three~~) might remain
unoccupied as it contains
gravel etc. in (several) places; that
as it contains so much
was no necessity to sell
the Land by public auct
and that Patel Munisab
who had offered to increa
the price in case the Lan
was sold (had before so as he
an good terms with the
Khatkhas, ~~the~~ who was the
Applicant's brother. He rec
mended that the whole

* Five letters here
illegible

survey number might be
given to the darkhastdar
Tenkatappa for an upset
price as it was not likely
that a higher price would
be obtained if the land was
sold in auction. Thereupon
the Assistant Comr in charge
of the Taluk Mr G. Rajagopala
Chari passed an order on × Vide ½62 ...
the 31st December 1929, direct-
ing that as the land in
question was formerly
in the occupancy of the
darkhastdar and as it
might be taken up by others
if sold by auction, the
same might be made over
to him after receiving
from him an upset price
of Rs 5, there being no trees
on the land. The Amildar
accordingly made over pos- × ½ no 63.
session of the land to 24th July 1930.
Tenkatappa after receiving
Rs 5 from him. When
the Asstt. Comr Submitted × ½ no 63
the records to the Dy. Comr
with a view to have the
assessment fixed on the
land, the latter on the
5th

Vide order No 234 of 5th Oct 1900,
Col No 63. V. Records.

In Venkata Pandian, Vy

15th October 1900, have
an order directing the
sale of the land beyond
reserved that the grant
thereof to the applicant
for Rs 5, when he ha
appeared to pay at 4 as,
acre, was irregular.
the Amins to whom the
matter was referred by the
Asst Collr, solicited
orders as to how he
should proceed, as the
land had been made
over to the possession
of the applicant before
from whom Rs 5 had
been received & credited
to the Treasury. On the
7th November 1900, the
by Collr again ordered
that the previous order
should be given effect
to. In accordance
thereunto, the Amin
held the sale of the land
in

× Vide M No 64.

In Venkata Pandian Vy

× Vide M Roc 65

a question on the N.W. Land Tax Bench 1901, when it was increased by one Rupee Annuitee for Rs 140, & the whole amount was paid by him. The Petitioners now solicits instructions as to how should proceed as per 29 of Rule XX of the Land Revenue Rules requires the sanction of Government to take back the lands once put in possession of any person.

Submitted for orders.

The Petn Br. will please state if Venkadappa has appealed to Govt

22/6/01

Submitted to the Secretary for orders

24/6

24/6/01

× Extract kept up.

The Deputy Commr seem
to have decided properly
in revising the order
granting the land for SR
to Venkatabbar. The subse-
quent sale to Ammiraddi
may be approved, and
permission given to
dispossess Venkatabbar
of the land.

The Sirdar reports
(24 Mear 1907. No. 67 V. File)
that Venkatabbar was
informed of the order of
resale & did not attend
it. He has not chosen
to appeal either.

Submitted to the Ost
Councillor.

12/7/1907

Vr 12/7/1

RD
12/7/07
gs

I am not impressed
at Venkatabbar's claim
to be present at the sale
the images taken by me
are unfavourable
as would disqualify
person of ordinary
the land in the

place was set free
for occupation of the
Indians sent that a
Reservation should be
set apart for them
and they should not
stand in the way of
his obtaining it in
fee simple. How much
of the [illegible] in
[illegible] in selling it
to the first instance.

The asst Commissioner
in charge should exercise
a proper discretion in
favor of Manderlattie
He may have taken the
land from him as
forest land, but surely
an Officer in the position
of an asst Commissioner
in charge of a Dist in
Iowa will be invested
with discretion as to
the terms upon which
a piece of waste land
from the forest an
application. He was
on the spot, knew
the ins.

Jan 20 1862

15

possession once
given being dismissed without further order? JWL.

I think this should be certainly in conformity with the action of Govt and its agents when have been consequently absent in the case. Govt agents have been in a manner promoters of spirit of squatting in Govt land and encouraging factions which are already more than is desirable for the peace of a village

The order of the Commr cancelling the grant? Could it not be set aside & the sale cancelled

Mr Justice Chalmers

Print. Giving a brief resume of the facts where first in part thereof 'I' comes in

Mr Justice Chalmers
19/7/1901 —

Peter

Is there no rule that notice should be given before any order affecting a party can be reversed? If there is what is it?

20/7 —

Rod. 23/7/01.

I suppose this refers to orders passed by Govt. The rule in such cases is contained in para (10) (2) (f) of the Rod[n] of 20/7/95 which states the orders which the Govt may on receiving the Div Officers appeal summarily in para (5) (1) of the same Rod[n]

23/7/01.

I remember Mr Chalmers has presented a petn Criminally in this case. Where is it?

21/7

17

I would solicit her Consideration of the matter as to whether the party affected by this shd not be given notice. The Council Rules of ~~18 Feb 1~~ 20 July 1895 require such a notice expressly in matters which have to go before the Council. But it is doubtful whether this is such a matter. Still as a matter of equity, especially when the order affecting a man adversely is to be passed by an Ultimate authority, I should think the issue of notice to be necessary.

This Munirraddin had some days ago I remember represented orally or by petn that the issue of Sagwali chit to him had been

delayed. He has presented a written petition yesterday, which is submitted herewith.

27/7/1901

To the 1st Councillor

RD-27/7/01
259

This is not a Council case and therefore no motion is necessary.
Lee
27/7/1901

Draft submitted
Hill. 12.8.01

Read
12.9.01
15-8.

19

Note (D)

Ld. Proc 5 22/8/07

regarding the disposal of
Sht Dr No 4 of Sht No 114 of
Kavdala Village, Junnar Taluk

1/ I regret to say that I am
not aware of the Case
Case of Bangalia &c alluded
to in para 2 of the S.O. I take
it at the time not thought it
might refer to a case decided
in the Rev Branch. I never
learn that this Branch
does not remember the Case

2/ As regard the Question
whether this Case should not have
been treated as a claim to
waste land belonging to Govt,
please see the note put up
in the other Case.

30/9/07

Note

(6)

Govt. Proc. ∂ 19/8/01 No 859

Reviewing the Dewan's order regarding the disposal of S.No 74 of Yedavanhalli Village, Anekal Taluk

With reference to the above, the Dewan wants to know if the above is not a claim to occupy waste land and if not what it is and how such cases were decided hitherto

Till June 1898 such cases were generally treated as Council cases ie were supposed to relate to claims to occupy waste land. When the Hussan x reference about the disposal of S.No 51 of Bhaktavalli Village Attibele Sub-Taluk Came up for

This file which was put up for reference in this case has been since separated and put up for below vide 1902 of 16.12.01 & 10.1.02

Appeal in the above matter, 21
the case doubtless is a more
& Hamume Londa was
but necessary and I also put
up a memo on the subject (the old
one was) no notice
was given in the case mainly
on the ground that Hamume
Londa had declared after the
election of Com[m]r admitting
his real title since then
the practice has been uniform
but I believe that as long as
the Deputy was in charge
of the Patricio as Comm[r]
he should never cease to
act while the 1st Comm[r]
has been of a different opinion

I shall be obliged by the Asst Secy quoting the Case in wh: I differed a different opinion

7/12/1907

2. Now that the Appointments
be decided

22

MYSORE DEWAN'S OFFICE.

REVENUE AND GENERAL DEPTS.

9

NOTE.

TO THE DEWAN OF MYSORE
(FOR ORDERS)

Rec'd
3. 10. 01
2127

2598/ The Secretariat note is to be appended as full — the question is an important one — & may be decided by the whole Council — Circulate & let it be the next meeting of the Council — Rao 28.X.01

Subject: Cancellation of orders Concerning occupancy of land by (Rev. Dep^tt) Council alone.

Case 1. Yadavanhalli village (G.P. No. R859 d. 19.8.1901)

The case certainly refers to the occupancy of a waste land, but it did not come up as a claim. The D^y C^r made a reference concerning dispossession of a party who had occupied the land under another party. In my note submitting the matter for reconsideration (d. 27.7.1901) I doubted if it was a Council case on this ground. The Asst Sec^ry's note about precedents &c is submitted herewith.

Circulate: Please return
Secretariat
Rao
29/X

MGCPB—500—24-8-01.

Case I. J. No. 114/4 of Kanyakumari
Taluk, Thovalai Taluk.
R.P. No. P.T. 390 dt. 22.8.1907.

This ~~Case~~ Cause was as a claim; and is not to be one clearly falling under the provn alluded to by the Dewan. The ~~Dewan's~~ Dewan's note about this is also appended.

I had ~~no~~ noticed this ~~clearly~~ when the 1st Commr's order passed through my hands.

8/9/1910.

N.

I do not see that either of these cases come under Claim respecting the question of waste or unoccupied land, ~~or lands of unoccupied tenure~~ belonging to Govt. For in the Chittoor Taluk case the question of abuse of discretion vested in the Dt Collr in regard disposal of lands on which ~~an~~ encroachments are under consideration. In the Trichinopoly Taluk case a Scrutiny Court of Enquiry in regard to certain waste lands was the sole question. I fail to see how these can be construed in claims for waste land & unoccupied land belonging to Govt. The rule contemplates only where a private individual seeks by a claim to such lands as against Govt. I will not pursue the matter further as the question has been referred to Council

7/12/1901

21

MATTER FOR COUNCIL MEETING.

SUBJECT.

Whether certain ~~claims~~ petitions

~~Petitions~~ Claims concerning disposing of land

~~by the Collector~~

~~Above~~ Above such as could be passed by a single member of Council.

Circulated to Councillors.

By Order,

M. G. Chandrasekharaiya
Asst Secretary.

2/12/ 1901

Name.	Date of receipt.	Date when passed on.
V. P. Madhava Rao, Esq., C.I.E.	2/12/01	
C. Sreenivasiengar, Esq- ...	7.12.01.	Recd & passed on 9/12/01
Rao Bahadur C. Madiah Esq...	9/12/01	9/12/01
The Secretary ,, ...		

MGCPB—200—28-11-01.

C Reddi for Asst Secy 9/12/01

28

(15)

EXTRACT FROM THE JOURNAL OF THE 263rd MEETING
OF THE COUNCIL.

DATED 23/12/1901.

RESOLVED AS FOLLOWS:—

I That Leave Concerning the Removing of Land Used as the Cemetery in Part Order No. 1853 dated 9th August 1901 and No. 1931 dated 11th August 1901 be Rescinded and that the Land used as Cemetery Existing & to be used as Cemetery by the Committee of Lay Men Under the Provisions of Section 7 of Act No. 1858 and Notified in Order dated 1st July 1901

Note

MGCPB—2-5-01—500.

Note

Below should be taken a copy of
Creation granted in this case
and lying for Official Copies
at Somerset House.

Self R.N.K.

Dean & Sanderson

To

The Editor Right

2.1.02.

27

Before the Government of Mysore.

(B)

Appeal No. 17 of 1901-02.

Appellant.	Vs.	Respondent.
Venkatappa son of Naranappa, yadawanahalli, Bidarakuppe hobli, Anekal 2k:.		Munisaddi, Patel of yadawanahalli, Bidara-kuppe hobli, Anekal 2k:.

Regarding the grant of S.No. 74 of yadawana halli, Anekal 2k:, to Venkatappa for an upset price.

Posted for hearing on 20-3-02.

Notices issued.

Sd/- C.
18/3/02

21/3/02

Parties heard.

Order reserved.

C
20/3/02

Wrong to Kesh
this paper here
& Shd go to
my file
21/3/02

Central Jail Press, Bangalore,—7-7-99.—302.

28

Here are two alternative drafts and I am agreeable to either. Please submit the file to the 1st Councillor and ascertain his pleasure.

1st Draft.

Government observe that the former occupant was Venkatappa and that it was at his instance & with the consent of the Villagers that the land was set free for occupation. The land contained no valuable Mōlki and was rightly given to Venkatappa for an upset price. To the difference between Rs.11-8-0 & Rs.5/- adverted above, Government attach no importance seeing that the matter was one dealt with by so responsible an Officer as an Assistant Commissioner with a knowledge of local circumstances. The Dy. Commissioner's (Mr.B.K.Venkatavaradiengar's) interference with this most equitable grant was uncalled for and Government do not think that the case is one in which possession once given by a proper authority should be subsequently disturbed by an appellate or revisional authority. The grant to Venkatappa is accordingly affirmed and the

the sale to Munireddi cancelled. The price paid by the latter should be refunded to him.

Secy.

11/4/[illegible]

Decision 20 or

20 draft

X

Government do not approve of the action taken by the Dy.Comr in this case. They are of opinion ~~tha~~ that there was no need for an out-right auction sale. The land, in the first instance, was set free for occupation as the Villagers felt that Venkatappa has been its previous occupant and they did not like to stand in the way of his obtaining it by darkhast.

2. The Assistant Commissioner, Mr.Rajagopalacharlu, exercised a proper discretion in giving the land to Venkatappa. He may have

have taken the sum of Rs.11-8-0 from Venkatappa as first offered, but surely an officer in the position of an Assistant Commissioner in charge of a Sub-Division may well be trusted with discretion as to the terms upon which a piece of waste land should be given to an applicant. He was on the spot and knew the circumstances.

3. Government are of opinion that the Deputy Commissioner, Mr.Venkatavaradaiengar, did not exercise his powers rightly in cancelling the order of the Asstt. Comr.,especially many months after Venkatappa had been put in possession. There was an opportunity for the Deputy Commissioner to reconsider the false step he had taken when the Assistant Commissioner later on asked for instructions as to how he was to proceed as Venkatappa had been put in possession of the land. Even then the Deputy Commissioner did not see the inconvenience caused by his order, but directed that his first order should be carried out; and now the same Deputy Commissioner asks for instructions as to how he is to proceed as the Rules do not permit of possession once given being disturbed without the orders of Government.

4. Government consider that the

the case is one in which no cancel-ment of a sale for an upset price, or disturbance of the possession of the person claiming under it, is called for. Interference of this kind is seldom desirable and should not be resorted to except under very exceptional circumstances.

7. The order of the Deputy Comr. cancelling the grant of the land in question to Venkatappa for Rs.5 is set aside and the subsequent sale held on the 11th March 1901, in which Munireddi purchased the land for Rs.140/-, cancelled.

Secretary.

1/4/02

Copy of the above is forwarded to the Deputy Commr. Bangalore Dt. together with the records received with his letter No 814 dated 18/1/02. The above decision is in supersession of Govt. proc. No. R859 dated 19/8/01

Sd/-

(14)

Lists 62 W. Counties

In the case a draft is found to prove the facts of the case (as proven in the proc. 19/8/01 now held in abeyance) the bail bond should be drawn

31/3/02

Rec'd 31-3-02.

Herewith two alternative drafts. Please submit them to the Lt. Gov.

1/4/02

Lists 61st Counties 2/4/02

Nos 2/4/02 1989

2/4/02

Yes 4/4

Art 47 provides that the accused shall be allowed to attend at the trial unless he misconducts himself so as to render the continuance of the proceedings impracticable. Should the accused be allowed to attend on account of the question being a Council matter simply referred to the Legislature for Kindly enlighten me on the question whether or not the Members of the Executive Council are independent judges even as to the final decision may be dissenting?

8/4/02

Heads of Claim

I print as Exhibit a copy of
"Rules of Practice of the
Board of Rev. in Pl. Proceedings"
It will be
for 1895-97.
I draw attention to the
fact that the
Commissioners of Inland Revenue
have separate Judgments
even when they agree.

In 1901 (in last year) the
Land Rev. Act of 1894 was amended
& I do not know of this
procedure was in any
way affected by the
amending Act.

5/4/07

I draw attention to the fact that
in England the Commissioners
of Inland Revenue are part of
their Committee & hence
blunders. In this case
I should object to any decision
as originally published
of the 2nd Commissioners
not see his way to appeal
but I think he may bring
a separate judgt. as is
the practice in the North
West Provinces Board
of Revenue from which
has adopted in practice
of publishing the name
of the dissenting member

7/4/1907

35

Supt to 2nd Comm Mar

Read
8-4-02

I am unable to subscribe to a resolution in which are used the words (1) "the proceedings taken by the Revenue authorities are such as to wound disgust any person of ordinary sensibility" (2) "Government officials have been in a manner a party to a species of gambling with land and engaging in transactions which are already more than is desirable for the peace of a village".

If the writer is pleased to agree to the suggestion of the above he can order as drafted by him

may be done in the form of a decision & reasoned - I am not particular about the other alteration I suggested -

I am afraid that the publication of two separate judgments is inexpedient - The form itself was an innovation and I would rather not go further -

H Freeman Mayo

10/4/02

R: 11/4/02
2069

I may be allowed to remark that I have a certain unity & discharge as member in charge of the Res. Portfolio and as such responsible for the discipline of the Regiment. I regret I am unable to change the wording originally adopted. It is more than severe when one considers the irregularities reported Commanding Officer. Some of the Officers. The Council decision of 18 Sept 1900.

37 if under it the new form of recording decisions was introduced. about the recording of separate opinions

M Madhava Rao
11/4/1902

After copy with the Diwan

I think this is a "material question" within the meaning of the Council Rules - It is most important that this difference has arisen - Please submit this file to the Diwan and ~~[illegible]~~ ascertain his pleasure as to how the matter should be dealt with.

C Krishnamachari
12/4/02

Read
12.4.02
4129

Mr Madhava Rao has since kindly drawn my attention to the Council Resolution of 1st September which permits of dissenting judgments being recorded But I am not sure that that Resolution does not require reconsideration

~~It was intended that~~
it should [illegible] not. Null
the Govt down to the
level of a Board of
Revenue or a Court -
Let the dissent opinion
of the Commissioner remain
on record but let the
decision be based on
Govt
Grounds common to
both -

B Venkatasubbaiah
18/4/02

2a
Serial -

28/ Revenue Appeals Nos. 16, 17 and 18 of 1901-2.

For all
In both these cases
the Commissioners who
heard them are agreed
with regard to the
decision of the question
involved - There is
no question of any
kind relating to
the substance of the
matter in dispute
about which they
are at variance -
The mode of difference
refers to the mode of
recording the decision
The IInd Commissioner
admits that the resolution
No. 1
adopted by the Council
at its 212th
meeting applies to
the case - There is
nothing left to me
to decide or do in
this matter and the
rule (a) (2) of 10 does
not apply
to this case. It is doubtful whether
Both Parties the
IInd Commissioner objects

(x)

In the consideration of the resolution itself and I am not sure that the matter is one of which the Council rightly should cognizance and decided. From a perusal of the record I did not vote for or against it - and for the reasons recorded by me at the time were as noted in the margin - Double and separate judgments were borne what uncalled for and if appeals to the Councillors this matter may again be discussed at a meeting of the difference is held to justify a reference to me I am inclined to adopt the judgment recorded by the Hon. Committee

× Copy appended.

7. IX. 02 Chas

circulate

9/9

1st Councillor (Devan) Note dated 2nd September 1902, on Council Resolution No 1 of the 212th meeting of Council dated 1st idem -

I adhere to the opinion that no change is called for. The omission of Rule III and the alteration in 1895 of the form in which the decisions began to be written to wit "Govt orders" are not without their significance. The acting Devan suggested this alteration in 1892, but when its inexpediency was pointed out by Devan Sir K. Seshadri Iyer it was dropped. Towards the end of 1900 we are asked to follow

the form of deci-
sions supposed to
have been adopted
in N W P, from 1878
to 1891 and published
in a Volume after
the fashion of Judicial
Reports of High Courts
in 1899. Whether
the form of decisions
were originally recasted
in that style or whether
the reporter has followed
the practice of Judicial
Courts and adopted
a form of his own
is not very clear. At
all events it seems to
me that if we are
determined to intro-
duce a change we
might obtain more
recent decisions either
from the N W P or better
still from the neigh-
bouring Province —

of Madras & Bombay and see what the practice there is. Neither the parties nor the public demand the change and Dewan Sir Sheshadri Iyer is opposed to it. Under all the circumstances of the case the reasons preponderate in favor of our remaining in Status quo; but the change while it is not attended with any advantage and is not dictated by any necessity is neither attended with any bad consequences. My attitude will be therefore one of complete indifference and I

shall not vote

either way.

Sig P. M. K.

Note The mail has contained the above which I returned herewith. It has been carefully read by Secy for file—
HM
8. 9. 02

A

Kindly marked for
Copies of the papers
for circulation. Time
return the file - if
the decision requires
question may come
before the Council today
or when
10/9/02

45

MATTER FOR COUNCIL MEETING.

SUBJECT.

How should decisions of Council in Rev: Appeals ~~should~~ be published, when the members forming the Council disagree as to the wording of the decision arrived at by them? (Question raised in 3 cases)

Circulated to Councillors.

By Order,

J. Macpherson
Secretary.

11/9/ 1902

Name.	Date of receipt.	Date when passed on.
V. P. Madhava Rao, Esq., C.I.E. C18	12/9/02	13/9/02
C. Sreenivasiengar, Esq- C16-	20-9-02	20/9
~~Rao Bahadur C. Madah Esq.~~	20/9	
~~The Secretary~~ ...		

MGCPB—200—28-11-01.

To the Secy
Please
Send a neat Copy
of the papers with
the marginal note
by myself & the 2nd
Councillor & Send them
to me

Received at about 7 P.M.
on Saturday - 13/9/1902

Office - Compliance
Let the file be put up
being up for instructions

Other Copies as
per list

15/9

16/9

R° 19/9/02
C28

148

Camp Arsdkere,
27th September 1902.

Dear Mr. Krishna Murti,

I think the three cases in which there was difference between me and Mr. Srecnivasiengar about the judgments have been pending long with you and I beg to remind you about them. You may remember that I wrote to you for their early disposal about two months back. The subject was once brought to Council by you and was withdrawn, and I think it is time that some decision was come to in the matter. You may remember that they were referred by the 2nd Councillor and if you have no objection you may return them to me and I shall get the separate judgments published.

Yours sincerely,

M Jackson

As the Secretary's note shows this was not withdrawn. It will be brought up at the next meeting — Mr may be shown to the Council

3.X.02

R: 8/10/02
C.51

Submitted to Secretary

The Deputy wishes to know if final orders have issued in the Three Revenue Appeals, submitted with orders on the 7th instant - & now how the question stands at present may kindly be intimated.

28/9/02

Submitted

The connected files are put up. The Subject was not discussed at the last meeting of Council, as the circulation was not over.

30/9/02

To Asst Secy with the Deputy's

30/9

RD
30.9.02
6366

I am glad that the question was not withdrawn. As a Meeting may not come off for some time I would suggest that the question may be disposed of by circulation and in consultation with the Ld Counsellor if necessary. I put up a Memo of what I have to say in the matter.

7578
Memo Copy
attached

3.X.02

7/10

Memo.

I do not see what is the point upon which the Councillor has to give an opinion. In all the 3 cases, both the Members of Coun--cil have agreed as to the decision but differ only on the question of arguments and the judgment. I, as Member in charge of the Revenue portfolio and as such responsible for the good administration of the Department, felt bound to pass re--marks censuring the conduct of the subordinate Revenue Officers so as to prevent a repetition of the ir--regularities brought to light in th case. I had also to make remarks on the inconvenience and hardship resulting from the working of the present Rules. In my humble judg--ment, if my colleague could not subscribe to these remarks he could have said so and written a sepa--rate judgment. But he took upon himself to draw up 2 alternative judgments to which he invited me to affix my signature, and when I did not see the propriety of doing so and suggested that, following the precedent of the North-west Provinces procedure, he was free to write his own judgment, he, without consulting me, placed the case be--fore the Dewan. This was on 18th April 1902.

49

The Dewan has now brought up a pro-
-position suggesting that the Reso-
-lution of Council of 1st September
1900 should be cancelled, and he
has also made a remark that he is
in favor of the judgment drafted by
the 2nd Councillor.

In regard to this propo-
-sition I may observe that a propo-
-sal to rescind an act of Govern-
-ment cannot be brought forward in
this informal manner, but the Dewan
as I understand the constitution,
should first obtain the permission
of His Highness the Maharajah be-
-fore he could place the proposal
on the Agenda paper.

Again, the Dewan says
that he agrees with the judgment
drawn up by the 2nd Councillor, but
so long as I do not accept the word-
-ing or the argument, it cannot ap-
-pear as my judgment. The case has
been long pending with the Dewan
and I had asked him for a ruling
on the question in my D.O., dated
29th July 1902.

It need not be remarked
that the District Officers who are
admittedly backward in the adminis-
-tration of Revenue Law, cannot
have much guidance if it should be
decided that all comments and criti-
-cism should be avoided and that
the Council Court should confine

Dewan's remarks

91 is difficult to reconcile this with the Council's opinion that there was no grave doubt.

This I am afraid is an assumption is not quite fair to some of your best Dy Collrs.

"Council Court" is a new phrase - Has no legal or statutory basis

GOVERNMENT

has come into effect by an order of this kg which may end by a similar order.

Where is this?

themselves to a bare confirmation or reversal of the lower Court's decision. My own view is that it will be a source of strength to Government to publish the decisions of Members and that by aiming at uniformity the benefits to be derived from the remarks of the highest revenue authority will be lost. As I hold the view that the Dewan cannot reopen the decision of the Council of the Regency period, I shall not lengthen this memo by referring to what his attitude was in regard to the question of publishing the names of Councillors when the Resolution was adopted by Council in September 1900. As he himself remarks it was one of "indifference."

Such remarks would have little or no relevancy.

To the Dewan.

11/10/02

D.D. 2.10.02
1578

9th Oct 02?

1869 when the Councillors now objects to the reference of this question with Council previously he had remarked the fact that on the 20th Sept

he humbly suggested
that course be. (vide
note marked) If there
is any doubt regarding
my power I have no
objection to lay this
matter before His Highness
and solicit his command-
to refer this question with Council.
Before doing so however
it may be as well to
send these papers with
II to consult and ask
him to send any remarks
he may wish to make.

13.X.02

I am with
Compliments
14/10

I am my dear Sir
Yours very truly
15/10/02

In the Press

NOTE by the 2nd Commissioner.

My objections chiefly are to the following passages in the First Councillor's orders, viz:-

(1) Appeal No.17 of 1901-1902.

(a) "The proceedings taken by the Revenue authorities are such as would disgust any person of ordinary sensibility."

(b) "Government agents have been in a manner promoters of a spirit of gambling with Government land and encouraging factions which are already more than is desirable for the peace of a village."

(2) Appeal No.16 of 1901-1902.

"This case affords another illustration of the inconvenience of the rule that land on which arrears are due should be proceeded against in the first instance."

(3) Referred Case No.5 of 1901-1902.

"The Rules (regarding forfeiture and sale) themselves probably require modification."

2. The language in Case No.(1) is much too strong, and seems out of place in a decision passed by so high an authority as the Government.

3. The Rule which the First Councillor

has expressed a clear disapproval of in Case No.(2), and a doubt about in Case No.(3), was only passed by the Council a few months ago after considerable discussion and most careful consideration. By all means let us amend it if on further investigation we find it unsuitable. But so long as it remains on our Statute-Book, we, that is, the Government, are bound to administer it, and not unsettle the minds of our officers and the public by making observations calculated to show that we do not ourselves approve of it. A suggestion by a Court that the law is defective and should be modified by the Legislature is clearly distinguishable from a pronouncement to that effect by the Government which is as well the legislating as the final executive authority. Then again, Mr. Madhava Rao thought when the Rule was passed and still continues to think, that the Rule is not what it ought to be. But I have always been of a different opinion. If in a document called "the decision of the Government" two such divergent opinions of the deciding Members appear, which of them are our subordinate officers to follow? As the Councillor in charge of the Revenue Department, it is open to Mr. Madhava Rao to press his views upon the Council, and to move for an amendment of the Rule to which he is opposed. Neither our subordinate officers nor the public have anything to do with what this Member of Government, or the other,

thinks of the Rules in force, and they naturally look up to Government as a corporate body for guidance.

4. I did every thing possible to bring the First Councillor round to my views, and it was not before I found this impossible that I ordered the matter to be placed before the Dewan. I confess my inability to understand the First Councillor's complaint regarding the procedure adopted by me.

5. I do not certainly object to "all comments and criticism," but only to such as are either needlessly strong or are calculated to suggest that we do not ourselves approve of our Rules and that we would be inclined to view with favour a deviation therefrom by our officers.

6. "The highest revenue authority" in cases of this kind seems to me to be the Government, and not any individual member of it.

7. The late Sir Sheshadri Iyer and the present Dewan were neither of them in favour of the innovation in the form of decisions sanctioned by the Council in September 1900 during the former's absence on leave. There is, in my humble opinion, no analogy between the decisions of the Revenue Board of a Province like the North-West Provinces and those of a Government like the Government o Mysore. In my humbler capacity as Secretar;

55

I placed my views before the Council when the abovementioned change was under discussion, but was overruled. With all deference I submit that the matter deserves reconsideration. If, in cases of minor differences between the deciding Members, two judgments containing conflicting views should go forth there would in cases of substantial disagreement be no less than three judgments including one by the Dewan. This, I venture to think, is undesirable, calculated as it is to detract from the dignity and prestige of Government. In both these kinds of cases the several opinions expressed may remain on record, but the decisions to be communicated to the subordinate officers and parties concerned should proceed on grounds ~~finally resolved upon~~ common & unconditional.

8. The question has been fully discussed in the several notes in these files and seems ripe for orders. Apart therefore from the technical objection ~~taken~~ raised by the First Councillor, a further reference to the Council is not likely to serve any useful purpose. The points for determination are (1) whether the form of decisions should be as of old or as newly laid down in September 1900 and (2) whether the passages I have taken exception to as being inappropriate should not be omitted from the decisions and Endorsements to be sent, respectively to the Deputy Commissioners and other officers

concerned, and to the parties interested. I am

particularly anxious that the decision of the Government should be what its expression denotes and not a record of the opinion of the members constituting the Government.

15/10

To the Dewan

15/10

Submitted with respects
the Maharaja. The innovation
which has given rise to this
discussion is of very recent
origin. It is founded upon
what was believed to be
the practice of the late H. H.
some years ago. It had not
found favour with the late
Dewan Sir K. Sheshadri Iyer -
I was not & am not in favour
of it - Orders are issued in
the name of H.H. and it seems

Some who dignified hypnic
are comfortable, knowing
the result of the deliberations
of both the Councillors — In
case of the Hypnic that Steven
has the power to agree with
one of the other two on the Body
of Councillors to be selected.
(in this Hypnic, — and this shows
— this respect by an entranced
Trance a fortune
by this Hypnic himself —

8·XI·02 Lewis

Record of Case submitted for the orders of His Highness the Maharaja.

Subject.

178

How should decisions of Council on Revenue Appeals be published when the Members forming the Council differ as to the wording of the decision arrived at by them.

(Question raised in 3 cases)

Order.

As I understand it, this is a case submitted as a scheduled case disposed of in circulation, under no: II of the rules of business.

Two questions are discussed in the papers:-
(I) Whether the procedure laid down in Govt Resolution of the Ist September 1900 is to be followed in future; and
(2) What procedure should be followed when two Councillors sitting in appeal, under rule 12, agree as to their decision but differ as to the wording of their judgment.

As to (I), I am clearly of opinion that the Council constituted under the notification of the 8th August 1902, is in no way bound by the rules of procedure adopted by the Regency Council. The existing consultative Council is an entirely new body, with definite functions assigned; it has no identity whatsoever with the Regency Council. For convenience sake we may when we choose adopt the procedure of the latter body, but we are in no sense tied to it. I am quite content to accept th

Note 2nd Councillor.

27/11

C.S.6/27.11.02

P.J. Note all these in the Council work as they are understood for future guidance.

Copies given

the opinion of Sir Sheshadri Iyer and the present Dewan thatthe procedure now in question is unsuited to our arrangements, and I see no reason why the present Govt should accept it.

As to (2) , I am disposed to accept the view, that the orders passed in such cases are the orders of Govt, and not of one or other Councillor, and that one order only should issue. The Revenue Councillor has, or should have , in his capacity of Rev. Commr, ample opportunity of communicating to Revenue Officers his views of their action generally, or in specific cases.The most feasible course seems to be, to treat such cases as coming under Rule 12 2(a) of the rules of business.When the Councillors are unable to agree as to the wording of their judgments they can frame separate orders and the Dewan will decide which shall issue. I see no reason why the occasions for invoking this rule should be frequent, and I trust that they will be very rare. In any case we can always reconsider the position should it be necessary. The rule may be applied to the cases now pending.

I have discussed with the Councillors - the question have already expressed myself in writing - submit draft - one more time

20.11.02

R: 23/11/02

24/11

25/11/1902

23/11/02

6 ii

Draft in the 3 cases are put up, as called for by the Dewan.

2) In the draft regarding the disposal of Sno 74 of Yadavanahalli, Arakal Taluk, the decision adopted is the second alternative decision as drafted by the 2nd Councillor

3) I am not sure if in these Drafts the names of the Councillors should be omitted

4) Please see my note in Ref. Case No 5 of 1902-02 (Draft of No 33 of Rayadrug Taluk)

Sd/- 24/12/02

His Highness has passed orders in the question & there is nothing further for me to do. He desires has ordered the draft passed by him to issue as first order. Please carry out his orders.

Sd/- 19/12/1902

19/12/02

To the Dewan through the 1st & 2nd Councillors.

The 2nd Councillor has seen these 4 proceedings & has recorded remarks on the 3rd & these file must go to the 1st Councillor

Sd/- 24/12/02

Sd/- 24/12

Sd/- 7/12/02

Sd/- 31-12-02

Sd/- 31-12-02

Lud. L Ilsen

15/12/50

14
a

Extract from the Journal of Council
Proceedings
dated 1st September 1900

That in the decision of cases falling under para 10 of the Rules of Business, the Members forming the Committee may, if they think proper to do so, record their opinions separately, which will be treated as Judgments, and an order will follow accordingly if the opinions are unanimous. In case of difference of opinion, the order of Govt will be as laid down in para 10(2)(a) of the aforesaid Rules, the form of decisions of the Board of Revenue, North Arcot Province and Ondh being adopted as far as possible.

(Sd) T. R. V. Thumboo Chetty,
Offg Dewan

Before the Govt of Mysore

5

Present

V. P. Madhava Rao Esq C.I.E

&

C Srinivasaiengar Esq

Rep Case no 17/1901-02

Subject — Disposal of S No 74 of Yadavanahalli, Anekal taluk for cultivation

Fact of the Case

ORDER TENDERED—In Government Proceedings No. 6390-91—R. 2065, dated 17th January 1898, the appropriation of Revenue Survey No. 74 (gomal) measuring 45 acres and 38 guntas of Yedavanahalli, Anekal taluk, for cultivation purposes, was sanctioned and the land was directed to be disposed of under darkhast rules. Accordingly, the Deputy Commissioner ordered the sale of the land by public auction. In the sale, patel Munireddi purchased the entire number for one rupee. The Amildar reported that as the darkhastdar Venkatappa, who offered to pay an upset price of Rs. 11-8-0, at annas four per acre, was the holder of the land prior to the Survey Settlement, the question of granting it to him for the upset price offered might be considered. After some correspondence in the matter of subdividing the Survey number, the Amildar reported that if the land was subdivided, portions thereof might remain unoccupied, as it contained gravel, &c., in several places, that as the land contained no trees, there was no necessity for selling it by public auction, and that patel Munireddi, who was not on good terms with the shanbhog, the darkhastdar's brother, had offered to increase the price in case the land was re-sold. The Amildar, therefore, recommended that the whole Survey number might be given to Venkatappa for an upset price, as it was not likely that a higher price would be obtained if the land was sold again. The Assistant Commissioner in charge of the taluk (Mr. C. Rajagopalacharlu) then ordered that as the former occupant of the land was the darkhastdar and as the sale thereof would give room for others purchasing it, an upset price of Rs. 5 might be taken from the 1st applicant and the land made over to him. The Amildar accordingly made over possession of the land to Venkatappa on 24th February 1900.

2. When the Assistant Commissioner submitted the records of the case with a view to have the assessment fixed on the land, the Deputy Commissioner (Mr. B. K. Venkatavaradaiengar) on 5th October 1900 observed that the grant of the land to Venkatappa for Rs. 5, when he had offered to pay for it at four annas per acre, was irregular, and ordered the re-sale of the land. The Amildar and the Assistant Commissioner then solicited instructions as to how the matter should be proceeded with, as the possession of the land had already been made over to Venkatappa. The Deputy Commissioner (Mr. B. K. Venkatavaradaiengar) again ordered that his previous orders should be given effect to. In accordance therewith, the Amildar held the sale of the land again on the 11th March 1901, when Venkatappa declined to be present, and it was purchased by patel Munireddi for Rs. 140, which amount was also paid by him. The Deputy Commissioner (Mr. B. K. Venkatavaradaiengar) solicits instructions as to how he should proceed; as Para 29 of Rule XX of the Land Revenue Rules requires the sanction of Government to take back the lands once put in possession of any person.

Decasm

Section 2 (1)
File No. 1
Serial No. ...
From The Dy Commr Bangalore District

REVENUE DEPARTMENT
Cl. No. 2659
OCT. 97

To The Secretary to the Govt
of Mysore
Rev & Genl Departments.

Dated 10th
Despatched 13th } October 1897
Received

General No.
D No. 464

Enclosure No. 2 1 a fr 6

Submits for sanction
the statements are showing
the Sonal land applied for
for cultivation and the
other the lands to be
alienated in favor of the
villagers for Sonal in the
Yelavanahalli village
in the Anekal Taluk

Rw 15-10-97

Rd.
Rs
Issue
Rs 18/10/97

298

D. No. 26

Bangalore District
Deputy Commissioner's Office
Bangalore
10 October 1897.

To,

The Secretary
to the Government of Mysore
Revenue and General Departments.

Sir,

I have the honor to state that one Venkatappa of the Yedavanahalli village in the Anekal taluk has applied for gomal survey of No. 74 of that village measuring 45 acres and 38 guntas. The remaining extent of gomal land viz, 32 acres and 2 guntas is not sufficient for the cattle of the village numbering 352. To make up this deficiency it is proposed to assign for gomal 4 acres and unoccupied numbers measuring altogether 40 acres and 11 guntas, as they are inferior to the gomal land

applied for for cultivation. The villagers have no objection to this. I therefore herewith submit for sanction two statements, one showing the gomal land applied for for cultivation and the other the lands to be alienated in favor of the villagers for gomal. The record of the case is also enclosed.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner

mus

Statement showing particulars of lands to be alienated in the Chikkaballapur Taluk of the Bangalore District

District	Name of Village	Taluk	Particulars as per account — Survey No.	Sub-division	Extent	Assessment	Whether occupied or waste	Particulars of grant — Survey No.	Sub-division	Extent	Assessment	Special purpose the land is to be granted	Whether the said village site is to be accepted for new site being granted or the proposed site is to be granted for the extension of the present village	Particulars of order — No.	Date
Bangalore	Chikkaballapur	Chikkaballapur	50	4	20 0	29 0 0	Waste	50	4	20 0	29 0 0	Site for Police Station			
			21	3	12 14	19 0		21	3	12 14	19 0	Grazing ground for village cattle			
			27	2	7 0	11 0		27	2	7 0	11 0				
			45	1	0 27	1 4 0		45	1	0 27	1 4 0				
					40 11	60 4 0				40 11	60 4 0				

Bangalore District
Commissioner's Office
10th October 1897

H. Elliot Carnegie
Dy: Commissioner

Bidarayanapura

Statement showing the particulars of Gomal Land applied for for *Cultivation* purposes, in the village of *Bidarayanapura* hobli, *Anekal* taluk, *Bangalore* district.

Taluk.	Hobli.	Village.	Area of land under occupation in the village.		Area of assessed unoccupied waste land.		Total extent of gomal land in the village.			Details relating to portion applied for for cultivation, building, or other purposes.					Number of cattle in the village.	Remarks as to whether the remaining extent of gomal land is sufficient for grazing purposes and whether villagers have any objection to the grant of the land applied for, and the ground of their objection, if any.
							Survey No.	Extent.		Survey No.	Extent.		Trees thereon.			
													Description.	Approximate number of trees.	Estimated value.	
			A.	G.	A.	G.		A.	G.		A.	G.				
Anekal	Bidarayanapura	Bidarayanapura	502	21	40	11	55	1	15	-	-	-	-	-	-	352
							62	30	27	-	-	-				
							74	45	38	74	45	38				
								78	-		45	38				

The reduction in the extent of the village gomal now proposed will be made up by converting assessed numbers into gomal land. The villagers have no objection to this.

Bangalore District
Dy Commrs' Office
10th October 1897

Deputy Commissioner.

Asst Bangalore

Section Revenue
File No 7/1 + 2
Serial No 2

28

Letter No 464 R.
of 14 October 1897, from the Deputy Commissioner, Bangalore District forwarding caution to Attestation for enlistment Surveyor of Canal Survey No 74 measuring a 45-38 in the Yedavana halli village, Bidarguppe hobli, Anekal Taluk and to the conversion in the Statement of the marginally noted account enclosed in letter No 134 and stating that the villagers have no objection to the grant of Canal Survey No 74 now applied for.

	A.	R. P.
53 (part)	20-35	29-0-0
21	12-14	19-0-0
27	7-5	11-0-0
45	0-27	1-4-0
	40-11	60-4-0

Order thereon
to the land now applied for

Sept 98
No 6390-91.
R. 2065
1.12.98
17

for Cultivation to cease to have been in the holding of the Landholder and as that person seems to have engaged with the villagers in consenting to the grant, the exchange proposed is not necessary. Boston and Extraordinary Sanction is therefore accorded to the Appropriation for Cultivation purposes of Jamal Survey No. 74. Referred to above, Revenue Inspector dated 3 under the Land Revenue Rules. The assessment leviable thereon being fixed in Communication with the Superintendent of Revenue Survey in charge.

(Sd) [illegible]
7/11/98

DD
5/11/98

(Sd) [illegible]
6/11/98 Secretary

To - The Collr. & Magistrate
Dist. Retd. papers.
The Supdt. Revenue Survey
Copy of Jamal Settlement

Section ..... (General Serial No. 305)
File No. 19
Serial No. ..... From ..... (3)

REVENUE DEPARTMENT
G.L. No. 2397
N. 1906
DISTRICT

To the Dy. Commissioner, of the Bangalore District.

To The Secretary to the Govt of Mysore Revenue Department

Dated 7/6/07
Despatched 8/6/07 } June 1907
Received

General No. ..... } 190
No. 1771

Enclosures Number. V. records

Soliciting instructions in regard to granting one Rami Reddi in Konasime of Sec 74 of the Sidavanahalli village Bidarapalya Hobli Anekal Taluk, purchased by him in auction, but which had been previously given to Timmi Bhadrappa Venkatappa —

Refer please
10/6/07

12/6/07 Office note
Continued on
Sub

Copy of Circular
24/6/07

Bangalore District
Dy. Commissioner's Office
Bangalore 7th June 1901.

The Secretary to the
Government of Mysore
Genl. & Rev. Depts.

Sir,

Survey No. 41 of the Gaolavana-
halli village in the Bidarapalya
hobli of the Anekal Taluk, mea-
suring 18 acres and 38 guntas,
was in the holding of one Venka-
tappa Gari and Muni Reddi
before the survey settlement. As
they resigned it during the survey
settlement, it was set apart
as the Gomal of the village. In
the year 1893, the old Khatedars
Venkatappa applied for it for
cultivation. As the villagers raised
no objection to its grant a
reference was made to Govern-
ment in the prescribed form
and the Government sanction
was conveyed in Order No. 6390-9/2065
dated the 7th January 1898 Para

one Muni Reddi came forward and offered Rs 10/- for the land at the rate of 4 annas per acre. But the divisional officer rejected his offer and gave the land to the previous holder, Ven. Katappa, recovering from him Rs 5/- as its value, though it had been expressly stated in the order issued from this office, that it should be disposed of by public sale. Thereon the said Muni Reddi appealed to this Office, when it was ordered that the land should be sold by public auction as the offer of Muni Reddi was double the amount recovered from Ven. Katappa. In the sale it fetched Rs 42-0-0. Para 29 of Rule XX of the Land Revenue Rules requires the sanction of Government to take back the lands once put in possession of any person. I therefore solicit instructions in the matter.

2. The registered record on the

The Map is herein enclosed.

I have the honor to be,
Sir,
Your most obedient servant
A. Alexander
Dy. Commissioner
of the Bay 5 mile district.

320

Two Rupees stamp affixed

320 R

26-7-1991

ఆంధ్రప్రదేశ్ ప్రభుత్వం
ఆర్థిక (ఎన్నికలు) శాఖ

ఉత్తర్వులు నెం. 15, తేదీ 20-7-1981

Draft of Letter ordered

Section
File No. Read: 1 A 6
Serial No.

Letter No. 9 1771 dated 7th June 1901, from the Deputy Comr, Bangalore District, Soliciting instructions regarding the disposal of Survey No. 74 in the Yedavanahalli village, Bidarguppe Hobli, Anekal Taluk.

—o—

Order thereon :—

In Govt Pro: No. 6390-91 R2065 dated 17th January 1898, the appropriation of — Revenue Survey No. 74 (Gomal), measuring A 45-38 G, of Yedavanahalli, Anekal Taluk, for — cultivation purposes was sanctioned and the land was directed to be disposed of under the darkhast rules. — Accordingly, the Dy Comr ordered the sale of the land by public auction. In the sale, Patel Munireddi purchased the entire munber for

No. E. 57 of 1798-99

for one rupee. The Amil-
dar reported that as the Dankhastdar
Venkataffa, who offered
to pay an upset price of Rs 11-8-0
at annas 4 per acre,
was the holder of the
land prior to the Survey
Settlement, the question
of granting it to him
for the upset price offered
might be concidered. After
some correspondence in
the matter of sub-dividing
the Survey number, the
Amildar reported that
if the land was sub-
divided, portions thereof
might remain unoccupied,
as it contained gravel
etc in several places,
that as the land con-
tained no trees, there
was no necessity for
selling it by public
auction

auction, and that Patel Munireddi, who was not on good terms with the Shanbhog, the darkhastdar's brother, had offered to increase the price in case the land was resold. The Amildar therefore recommended that the whole survey number might be given to Venkatappa for an upset price, as it was not likely that a higher price would be obtained if the land was sold again. The Asst. Comr. in charge of the Taluk, (Mr. C. Rajagopalachariar), then ordered that as the former occupant of the land was the darkhastdar and as the sale thereof would give room for others purchasing it, an upset price

price of Rs 5/- might be taken from the 1st applicant and the land made over to him. The Amildar accordingly made over possession of the land to Venkatappa on 24th February 1900.

2. When the Assistant Commr submitted the record of the case with a view to have the assessment fixed on the land, the Dy Commr (Mr B. K. Venkataradiengar) on 5th October 1900 observed that the grant of the land to Venkatappa for Rs 5/-, when he had offered to pay for it at 4 annas per acre, was irregular, and ordered the recall of the land. The Amildar and the Asst Commr then solicited instructions

as to how the matter
should be proceeded with,
as the possession of the
land had already been
made over to Venkatappa.
The Dy Comr (Mr B. K.
Venkatavaradiengar)
again ordered that his
previous orders should
be given effect to. In
accordance therewith,
the Amildar held the
sale of the land again
on the 11th March 1901,
when Venkatappa
declined to be present
and it was purchased
by Patel Munireddi
for Rs 1405/-, which
amount was also
paid by him. The Dy
Comr (Mr B. K. Venkata-
varadiengar) ~~now~~
solicits instructions
as to how he should
proceed,

proceed, as para 29 of Rule XX of the Land Revenue Rules requires the sanction of Government to take back the Lands once put in possession of any person.

3. Government are not surprised at Venkatappa declining to be present at the resale. The proceedings taken by the Revenue authorities are such as would disgust any person of ordinary sensibility. The land in the first place was set free for occupation as the villagers felt that Venkatappa had been its previous occupant and they did not like to stand in the way

way of his obtaining it by darkhast. Govt do not know if the authorities acted rightly in selling it in the first instance.

4. The Asst Comr of Mr Rajagopalacharlu exercised a proper discretion in giving the land to Venkatappa. He may have taken the sum of Rs 11-3-0 from Venkatappa as first offered, but surely an officer in the position of an Asst Comr in charge of a Sub-Division may well be trusted with discretion as to the terms upon which a piece of waste land should be given to an applicant. He was on the spot and knew the circumstances.

5. Govt are not sure if the Dy Comr, Mr

Mr Venkataramaniengar,
exercised his powers rightly
in cancelling the order
of the Asst Comr, especially
many months after Venkatappa had been put
in possession. There was
an opportunity for the
Dy Comr to reconsider
the false step he had
taken when the Asst
Comr later on asked
for instructions as to
how he was to proceed
as Venkatappa had
been put in possession
of the land. Even then / The Dy Comr
he did not see the
inconvenience caused
by his order but directed
that his first order
should be carried out;
and now the same
Dy Comr asks for
instructions as to how
he is to proceed as

the

the Ruler do not permit possession once given being disturbed without the orders of Government.

6. Govt think that there should be certainty and uniformity in the actions of Government and its agents, which have been conspicuously absent in this case. Govt agents have been in a manner promoters of a spirit of gambling with Govt land and encouraging factions which are already more than is desirable for the peace of a village.

7. The order of the Dy Comr, cancelling the grant of the land in question to Venkalappa for Rs 5/-, is set aside and the subsequent sale held on the 11th March 1901, in which Munireddi purchased

the

the Court for Rs 140/-, cancelled.

Print

17/8/01
for Secretary.

To

The Dy Comr, Bangalore
District, returning ver:
papers.

copd
17/8/01

(6)

1901-1902

GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

Dated 19th August 1901

No. R. 859

Setting aside the Deputy Commissioner's order cancelling the grant of S. No. 74 in the Yedavanahalli village, Anekal taluk, Bangalore district, to Venkatappa for an upset price.

SPB—24-8-1901—200

19th
Does this not fall under a claim to occupy waste land? If not what is it? How were such cases treated here? I am not sure that cases arising out of Darkast Rowaj were not taken by Executive Council — Kindly find out precedents either way & let me know. The question requires to be decided one way or the other

23.IX.07

Please send up with very early note in the question a note on the question dealing with the question raised.

25/9/1907

Put up 30/9/07

READ—

Letter No. D. 1771, dated 7th June 1901, from the Deputy Commissioner, Bangalore district, soliciting instructions regarding the disposal of Survey No. 74 in the Yedavanahalli village, Bidarguppe hobli, Anekal taluk.

No. R. 859, DATED BANGALORE, 19TH AUGUST 1901.

ORDER PASSED—In Government Proceedings No. 6390-91—R. 2065, dated 17th January 1898, the appropriation of Revenue Survey No. 74 (gomal) measuring 45 acres and 38 guntas of Yedavanahalli, Anekal taluk, for cultivation purposes, was sanctioned and the land was directed to be disposed of under darkhast rules. Accordingly, the Deputy Commissioner ordered the sale of the land by public auction. In the sale, patel Munireddi purchased the entire number for one rupee. The Amildar reported that as the darkhastdar Venkatappa, who offered to pay an upset price of Rs. 11-8-0, at annas four per acre, was the holder of the land prior to the Survey Settlement, the question of granting it to him for the upset price offered might be considered. After some correspondence in the matter of subdividing the Survey number, the Amildar reported that if the land was subdivided, portions thereof might remain unoccupied, as it contained gravel, &c., in several places, that as the land contained no trees, there was no necessity for selling it by public auction, and that patel Munireddi, who was not on good terms with the shanbhog, the darkhastdar's brother, had offered to increase the price in case the land was re-sold. The Amildar, therefore, recommended that the whole Survey number might be given to Venkatappa for an upset price, as it was not likely that a higher price would be obtained if the land was sold again. The Assistant Commissioner in charge of the taluk (Mr. C. Rajagopalacharlu) then ordered that as the former occupant of the land was the darkhastdar and as the sale thereof would give room for others purchasing it, an upset price of Rs. 5 might be taken from the 1st applicant and the land made over to him. The Amildar accordingly made over possession of the land to Venkatappa on 24th February 1900.

2. When the Assistant Commissioner submitted the records of the case with a view to have the assessment fixed on the land, the Deputy Commissioner (Mr. B. K. Venkatavaradaiengar) on 5th October 1900 observed that the grant of the land to Venkatappa for Rs. 5, when he had offered to pay for it at four annas per acre, was irregular, and ordered the re-sale of the land. The Amildar and the Assistant Commissioner then solicited instructions as to how the matter should be proceeded with, as the possession of the land had already been made over to Venkatappa. The Deputy Commissioner (Mr. B. K. Venkatavaradaiengar) again ordered that his previous orders should be given effect to. In accordance therewith, the Amildar held the sale of the land again on the 11th March 1901, when Venkatappa declined to be present, and it was purchased by patel Munireddi for Rs. 140, which amount was also paid by him. The Deputy Commissioner (Mr. B. K. Venkatavaradaiengar) solicits instructions as to how he should proceed, as Para 29 of Rule XX of the Land Revenue Rules requires the sanction of Government to take back the lands once put in possession of any person.

3. Government are not surprised at Venkatappa declining to be present at the re-sale. The proceedings taken by the Revenue authorities are such as would disgust any person of ordinary sensibility. The land, in the first place, was set free for occupation as the villagers felt that Venkatappa had been its previous occupant and they did not like to stand in the way of his obtaining it by darkhast. Government do not know if the authorities acted rightly in selling it in the first instance.

4. The Assistant Commissioner, Mr. Rajagopalacharlu, exercised a proper discretion in giving the land to Venkatappa. He may have taken the sum of Rs. 11-8-0 from Venkatappa as first offered, but surely an officer in the position of an Assistant Commissioner in charge of a Sub-Division may well be trusted with discretion as to the terms upon which a piece of waste land should be given to an applicant. He was on the spot and knew the circumstances.

5. Government are not sure if the Deputy Commissioner, Mr. Venkataravadaiengar, exercised his powers rightly in cancelling the order of the Assistant Commissioner, especially many months after Venkatappa had been put in possession. There was an opportunity for the Deputy Commissioner to reconsider the false step he had taken when the Assistant Commissioner later on asked for instructions as to how he was to proceed as Venkatappa had been put in possession of the land. Even then the Deputy Commissioner did not see the inconvenience caused by his order, but directed that his first order should be carried out; and now the same Deputy Commissioner asks for instructions as to how he is to proceed as the Rules do not permit possession once given being disturbed without the orders of Government.

6. Government think that there should be certainty and uniformity in the action of Government and its agents, which have been conspicuously absent in this case. Government agents have been in a manner promoters of a spirit of gambling with Government land and encouraging factions which are already more than is desirable for the peace of a village.

7. The order of the Deputy Commissioner cancelling the grant of the land in question to Venkatappa for Rs. 5, is set aside and the subsequent sale held on the 11th March 1901, in which Munireddi purchased the land for Rs. 140, cancelled.

H. V. NANJUNDAYYA,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Bangalore District, returning vernacular papers.

Exd—C.V.

Section ..... Revenue

File No 1

Serial No .....

Price of the Soil of

Mysore

The Board

Have agreed

Soil price No R 8559 5.

19/8/07 reserving the

Govt's order Cancelling

the grant of No 74

in the Yedavanahalli

Village, Anekal taluk,

to Venkatappa for

an upset price.

Oct 1232 23/1—1902 Under Bangalore

The Govt

requested 5

Rep. putting up
to
Council Clerk
To be posted for
hearing.

Section 8950
File No 2071-02 1902
Serial No 1
From
(Sd) Dy. Commissioner,
Bangalore District.

To

The Secretary to the
Govt of Mysore
Revenue Dept

Dated 17th
Despatched 18th } January 1903
Received
General No.
No. 818
Enclosure No. 1 file

Govt Despatch No. Rev. 1232
Dt 22nd January 1903.

Submitting the necessary records in connection with the grant of 2,200 ft in the Yedavanahalli village, Anekal Taluk, to Venkatappa for an opium shop.

Rev 20/1

Bangalore District
Office
Bangalore 1st & January 1902.

From,

M. S. Narayana Rao Esquire
Deputy Commissioner
Bangalore District

To

N. V. Narayanappa Esquire
Secretary to the Government
of Mysore
Revenue and General Departments

Sir,

I have the Government
Memorandum No: Pet 7232 dated 3rd ult.
Instant, directing to adjudicate
-cation in the matter of Grant
of Survey No: 74 in the Jedavana
halli Village for the object
stated in the Venkatappa
of the Sheikal Patel, praying
that

Calling for the Seconds Message

pending the Senate's Address

of Government, I have the

honor to forward herewith the

called
the Seconds ~~Requisition~~ issued

for in the above.

I have the honor to be,

Sir,

Your most obedient Servant.

Messageries

Deputy Commissioner

Bengalese Bungalow.

Section Legislative Work P.W.D.

File No The Nilkantha Polygone

Serial No 16

Contract

Nil Vivaha Patta

Nil Jivadaya Patta

Nil Vivaha Jivadaya Patta

Telegrams Vasudeva

Referred case No 17/P
1901-02

Subject — Disposal of S. No. 7+ of Vadavanabadi Arecal land for cultivation

Facts of the case:

In Court Progs No 6320-91 & R 2065 dt 17-1-93, the Superintendent of Rev. D. No 7+ (formerly measuring 45 ac — 38 gunta) of Vadavanabadi Areca land, for cultivation purposes, was sanctioned and the land was directed to be disposed of under direct sale. Accordingly the Dy Commr ordered the sale of the land by public auction. In the sale, Patel Thimmeshi purchased the entire number for one rupee. The Amildar reported that as the Nilkantheshwar Vivahadaya also offered to pay an upset price of Rs 1-3+ at 20/+ per acre, and the holders of the land have to

Draft
Agreement
3/12/02

30.1.03

12/2/03

12/2/03

to the Surrey Settlement, the
question of granting it to
them for the upset price
offered might be considered.
After some correspondence
in the matter of subdividing
the Subscribers, the Commissioners
resolved that if the land
was subdivided, portions
thereof might remain un-
occupied, & it contained
gravel pits in several places,
that as the land contained
no trees, there was no
necessity for subdividing it
by fenced enclosures, and that
Patrick Alexander who was
not a Subscriber with the
Association, but Commissioners
Clerk, had offered to
increase the price in case
the land was needed. The
Commissioners therefore recommended
that the whole Surrey
possessions might be
given to Vendors Trapp
for the upset price,
as it was not likely

that a higher price would be obtained if the land was sold again. The Asst Commr in charge of the taluk (Mr C. Rajagopala Chariar) then ordered that as the former occupant of the land was the Panchayatdar and as the sale thereof would give room for others purchasing it, an upset price of Rs 5 might be taken from the 1st applicant and the land made over to him. The Panchayatdar accordingly made over possession of the land to Venkatarayan on 24th February 1900.

2. When the Asst Commr submitted the record of the case with a view to have the assessment fixed on the land, the Dy Commr. (Mr B. K. Venkatanarasinga) on 5th October 1900 observed that the grant of the land to Venkatarayan for Rs 5, when he had offered

to pay ab 4 annas per acre
was disputed, and ordered
the record of the case. The
Amildar and the certain
Comm. then solicited
instructions as to how the
matter should be proceeded
with, as the possession
of the land had already
been made over to Venkatappa.
The Dy Comm. (Mr B. K.
Venkatanarayana) again
ordered that the previous
orders should be given
effect to. In accordance
therewith, the Amildar
held the sale of the land
again on the 11th December,
when Venkatappa declined
to be present, and it was
purchased by Patel
Muniredde for Rs 140,
which amount was
also paid by him. The
Dy Comm. (Mr B. K.
Venkatanarayana) directs
instructions as to how
the Amildar proceed, as

as Para 29 of Order XX of the Land Rev Rules requires the direction of Govt to take back the lands once put in possession of any person.

Decision

The Asstt Commr Ms Rajagopala Charlu, exercised a proper discretion in giving the land to Venkatappa. He may have taken the same as Rs 11-8-4 from Venkatappa as fine effect, but surely an officer in the position of an Asstt Commr in charge of a Sub Div may well be trusted with discretion as to the terms upon which a piece of waste land should be given to an applicant. He was on the spot and knew the circumstances

3 Govt are of opinion that the Dy Commr Ms Venkataramaniengar did not exercise his powers rightly in cancelling the order of the Asstt Commr Especially many months

after Ventidius had been
put in possession. There
was an opportunity for
the Dy. Commr to reconsider
the false step he had taken
when the Asst Commr
called on called for a
recantation or to hear
he was to proceed as
Ventidius had been
put in possession of the
land. Even then the
Dy Commr did not see
the inconsistency caused
by his orders, but directed
that his first orders should
be carried out; and
now the case of Commr
calls for recantation or
to hear he is to proceed
as the Rules do not
permit of proceeding
once given being disturbed
without the orders of
Court
4. Court considers that
the case is one in which

no encumbrance for sale for an upset price or disturbance of the possession of the person claiming under it, is called for. Interference of this kind is seldom desirable and should not be resorted to except under very exceptional circumstances.

5. The order of the Deputy Commissioner cancelling the grant of the land in question to Venkatappa for Rs 5 is set aside and the subsequent sale held on the 1st March 1901 in which Munireddi purchased the land for Rs 140 cancelled

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1194 — 814-2-03.
24-9-02

Copy of the above is forwarded to the Deputy Commissioner Bangalore Dasti together with the records received with his letter No 2 dt 8/18-1-02. The above decision is in supersession of Govt Proc No R 35, 3, 17-8-01.

Draft

Secretary

Prescriptive limitation 12 yrs 1872

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

REFERRED CASE No. 17 OF 1901-02.

Subject.

Disposal of Survey No. 74 of Yadavanahalli, Anekal Taluk, for cultivation.

Facts of the Case.

1. In Government Proceedings No. 6390-91—R. 2065, dated 17th January 1898, the appropriation of Revenue Survey No. 74 (gomal), measuring 45 acres and 38 guntas of Yadavanahalli, Anekal Taluk, for cultivation purposes, was sanctioned, and the land was directed to be disposed of under Darkhast Rules. Accordingly the Deputy Commissioner ordered the sale of the land by public auction. In the sale, patel Munireddi purchased the entire number for one rupee. The Amildar reported that, as the darkhastdar Venkatappa, who offered to pay an upset price of Rs. 11-8-0 at 4 annas per acre, was the holder of the land prior to the Survey Settlement, the question of granting it to him for the upset price offered might be considered. After some correspondence in the matter of subdividing the Survey number, the Amildar reported that if the land was subdivided, portions thereof might remain unoccupied, as it contained gravel etc., in several places, that as the land contained no trees, there was no necessity for selling it by public auction, and that patel Munireddi, who was not on good terms with the shanbhog, the darkhastdar's brother, had offered to increase the price in case the land was re-sold. The Amildar therefore recommended that the whole Survey number might be given to Venkatappa for an upset price, as it was not likely that a higher price would be obtained if the land was sold again. The Assistant Commissioner in charge of the Taluk (Mr. C. Rajagopala Charlu) then ordered that as the former occupant of the land was the darkhastdar and as the sale thereof would give room for others purchasing it, an upset price of Rs. 5 might be taken from the first applicant and the land made over to him. The Amildar accordingly made over possession of the land to Venkatappa on 24th February 1900.

2. When the Assistant Commissioner submitted the records of the case with a view to have the assessment fixed on the land, the Deputy Commissioner (Mr. B. K. Venkatavaradaiengar) on 5th October 1900, observed that the grant of the land to Venkatappa for Rs. 5, when he had offered to pay at 4 annas per acre, was irregular and ordered the re-sale of the land. The Amildar and the Assistant Commissioner then solicited instructions as to how the matter should be proceeded with, as the possession of the land had already been made over to Venkatappa. The Deputy Commissioner (Mr. B. K. Venkatavaradaiengar) again ordered that the previous orders should be given effect to. In accordance therewith the Amildar held the sale of the land again on the 11th March 1901, when Venkatappa declined to be present, and it was purchased by patel Munireddi for Rs. 140, which amount was also paid by him. The Deputy Commissioner (Mr. B. K. Venkatavaradaiengar) solicits instructions as to how he should proceed, as para 29 of Rule XX of the Land Revenue Rules requires the sanction of Government to take back the lands once put in possession of any person.

Decision.

1. The Assistant Commissioner Mr. Rajagopala Charlu exercised a proper discretion in giving the land to Venkatappa. He may have taken the sum of Rs. 11-8-0 from Venkatappa as first offered, but surely an officer in the position of an Assistant Commissioner in charge of a Sub-Division may well be trusted with discretion as to the terms upon which a piece of waste land should be given to an applicant. He was on the spot and knew the circumstances.

2. Government are of opinion that the Deputy Commissioner Mr. Venkatavaradaiengar did not exercise his powers rightly in cancelling the order of the Assistant

Petition, dated 14th February 1903.

Commissioner, especially many months after Venkatappa had been put in possession. There was an opportunity for the Deputy Commissioner to re-consider the false step he had taken when the Assistant Commissioner later on asked for instructions as to how he was to proceed as Venkatappa had been put in possession of the land. Even then the Deputy Commissioner did not see the inconvenience caused by his order, but directed that his first order should be carried out; and now the same Deputy Commissioner asks for instructions as to how he is to proceed as the rules do not permit of possession once given being disturbed without the orders of Government.

3. Government consider that the case is one in which no cancelment of a sale for an upset price or disturbance of the possession of the person claiming under it, is called for. Interference of this kind is seldom desirable and should not be resorted to except under very exceptional circumstances.

4. The order of the Deputy Commissioner cancelling the grant of the land in question to Venkatappa for Rs. 5 is set aside and the subsequent sale held on the 11th March 1901 in which Munireddi purchased the land for Rs. 140, cancelled.

No. 1194—P. F. 90-02, DATED BANGALORE, 14TH FEBRUARY 1903.

Copy of the above is forwarded to the Deputy Commissioner, Bangalore District, together with the records received with his letter No. 814, dated 18th January 1902. The above decision is in supersession of Government Proceedings No. R. 859, dated 19th August 1901.

L. ANANTASAMI RAO,
for *Secy. to Govt., Gen. & Rev. Depts.*

Exd.—C. R.